

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	WILLIAM T. HART		Sitting Judge if Other than Assigned Judge
CASE NUMBER	01 C 4384	DATE	OCT. 3, 2002
CASE TITLE	JOSE BERRUM v. UNITED STATES OF AMERICA		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

## MOTION:

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## DOCKET ENTRY:

- (1)  Filed motion of [ use listing in "Motion" box above.]
- (2)  Brief in support of motion due \_\_\_\_\_.
- (3)  Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.
- (4)  Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (5)  Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (6)  Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.
- (7)  Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.
- (8)  [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.
- (9)  This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  FRCP4(m)  Local Rule 41.1  FRCP41(a)(1)  FRCP41(a)(2).
- (10)  [Other docket entry] Joyce Beecham's motion to compel government to return property to assignee [21] is denied. Beecham is granted until November 1, 2002 to show to the government that she may lawfully possess the disputed firearms. If, by December 2, 2002, neither Beecham nor another assignee makes a showing that he or she may lawfully possess the firearms, the government may move to dispose of the firearms in a manner permitted by law.

(11)  [For further detail see attached Memorandum Opinion and Order.]

	No notices required, advised in open court.	<p>U.S. DISTRICT COURT CLERK</p> <p>02 OCT -3 PM 1:40</p> <p>Date/time received in central Clerk's Office</p>	4 number of notices	<p>4 date docketed</p> <p>10/3/2002 docketing deputy initials</p> <p>10/3/2002 date mailed notice</p> <p>mqm mailing initials</p>	Document Number 25
	No notices required.		OCT 4 2002		
✓	Notices mailed by judge's staff.		date docketed		
	Notified counsel by telephone.		docketing deputy initials		
	Docketing to mail notices.		10/3/2002		
	Mail AO 450 form.		date mailed notice		
	Copy to judge/magistrate judge.		mailing initials		
<p>cw</p> <p>courtroom deputy's initials</p>					

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

OCT - 2002

JOSE BERRUM, )  
v. )  
Plaintiff, )  
UNITED STATES OF AMERICA, )  
Defendant. )  
No. 01 C 4384

**MEMORANDUM OPINION AND ORDER**

The government currently possesses two firearms that were the property of Jose Berrum. As a convicted felon, Berrum is no longer permitted to possess the firearms. However, there is no dispute that Berrum may assign his interest in the firearms to someone else who may legally possess them. The government is not opposed to forwarding the firearms to someone who may legally possess them. The government, though, is interested in assuring who the appropriate assignee is and whether that person may legally possess the firearms.

Initially, Berrum informed the government that he had assigned his interests in the firearms to Joyce Beecham. Beecham has provided a document dated August 30, 2001 and signed by

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Berrum stating that he irrevocably assigned his interests to her in consideration of \$100. However, on April 23, 2002, before any arrangements had been made to transfer the firearms, Berrum filed a pleading stating that he instead wanted to assign his interests to his wife, Delia Berrum Alvarez. Berrum also indicated that Alvarez was in the process of obtaining the necessary permits.

In a letter dated June 19, 2002, Berrum requested that the government provide the firearms to Alvarez. He stated that he had found out that Beecham could not legally possess the firearms. Berrum did not state whether Alvarez had obtained the necessary permits.

In a letter dated June 24, 2002, Beecham requested that the government transfer the firearms to a federal firearms licensee ("FFL") in Chicago, who would then transfer them to an FFL in Philadelphia, who would forward the firearms to Beecham upon her obtaining proper permits. Beecham further stated that she would pay all costs of this process. The government responded that it would not do this because of Berrum's letter withdrawing the request to assign the firearms to Beecham.

Beecham has moved to have the firearms delivered in the manner stated in her June 24 letter. She contends that Berrum's assignment was irrevocable and therefore cannot be withdrawn. There is no contention that Beecham has already obtained the necessary permits.

In its August 7, 2002 response, the government represents that it has not yet provided the firearms to either designee.<sup>1</sup> It also represents that neither Beecham nor Alvarez has yet shown that she may lawfully possess the firearms. The government is still willing to turn over the firearms as long as the appropriate assignee can be determined and it is shown that she may lawfully possess the firearms.

Beecham's motion will be denied because she has not made a showing that she may lawfully possess the firearms. Beecham is granted until November 1, 2002 to show the government that she may lawfully possess the firearms. If she does not do so by that date, the government may turn the firearms over to Alvarez if Alvarez shows the government that she may lawfully possess them. If neither of the proposed assignees makes such a showing by December 2, 2002, the government may move to dispose of the firearms in a manner permitted by law.

IT IS THEREFORE ORDERED that Joyce Beecham's motion to compel government to return property to assignee [21] is denied. Beecham is granted until November 1, 2002 to show to the government that she may lawfully possess the disputed firearms. If, by December 2, 2002, neither Beecham nor another assignee makes a showing that he or she may lawfully possess the firearms,

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<sup>1</sup>Copies of the motion and briefs were sent to Berrum. Berrum did not file any response.

the government may move to dispose of the firearms in a manner permitted by law.

ENTER:

William T. Hart

UNITED STATES DISTRICT JUDGE

DATED: OCTOBER

3 , 2002